.IN THE HIGH COUR OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1878 (S/S) of 2005

Kalam Singh Negi,
Son of Sri K.S. Negi,
Resident of Block -11/4,
New Tehri,
Tehri Garhwal. ……Petitioner.

Versus.

1. State of Uttaranchal through Secretary, Education, Uttaranchal Shashan, Dehradun.
2. Director, Education, (Basic), Pauri.
3. District Education (Basic), Pauri.
4. Basic Shiksha Adhikari, New Tehri, Tehri Garhwal.
5. Finance and account Officer, Basic Education Officer, New Tehri, Garhwal.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri N.S. Pundir, leaned counsel for the petitioner and learned standing counsel for respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondents to consider the case of the petitioner for re-appointment on Class IV post in the Education Department. He has further prayed that respondent no. 5 shall also be directed to pay the salary for the period (i.e. from 01.04.2005 to 28.06.2004) for which he has worked.

Learned counsel for the petitioner has submitted that petitioner was initially appointed by the Finance and Account Officer, Basic Shiksha Office, Tehri "Garhwal i.e. respondents no. 5 for 89 days on the dictate of Education Minister, Uttaranchal. The said appointment was extended from time to time for 89 days and finally on 31.03.2004 petitioner was appointed for 89 days with effect from 01.04.2004. The appointment of the petitioner came to an end

on 28.06.2004 after expiry of 89 days. Thereafter, the petitioner is not working in the office.

Learned counsel for the petitioner has further submitted that the posted is still vacant and respondents may be directed to re-appoint him and further they may be directed to pay the salary for the period i.e. from 01.04.2004 to 28.06.2004 during which he worked in the office of respondents no. 5 and not being paid salary.

Learned standing counsel has submitted that petitioner has no right for re-appointment on the basis of appointment letter issued by respondent no. 5 because respondent no. 5 has not jurisdiction to make appointment in his office, who is attached in the office of Basic Shiksha Adhikari and the petitioner was appointed for a particular period that too purely on temporary and adhoc basic. After expiry of the aforesaid period petitioner has no right of lien on the post.

I find force in the submission of learned standing counsel. The first prayer of the petitioner cannot be granted to the petitioner. So far as the second prayer regarding the payment for the period i.e. from 01.04.2004 to 28.06.2004, for which he has worked but has not got salary, is concerned that can be granted. Respondents shall ensure the payment for the period i.e. from 01.04.2004 to 28.06.2004 within a period of three weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 17,2005
SKSharma